IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 654(S/S)2007

Balram Singh S/o Sri Ram Singh,
Constable no. 11 C.P.,
R/o village Fina, P.S. Shivala Kala,
Tehsil Chandpur, District Bijnor.
Presently posted at Police Station Rudrapur,
District Udham Singh Nagar. ---- Petitioner.

Vs.

1. State of Uttarakhand through Secretary (Home)
   Govt. of Uttarakhand, Dehradun,
2. Director General of Police, Uttarakhand,
   Police Headquarters- Dehradun,
3. Senior Superintendent of Police,
   Udham Singh Nagar, Rudrapur. ----Respondents.

Sri Manav Sharma, learned Counsel for the petitioner,
Sri Paresh Tripathi, learned State counsel for State of Uttarakhand/respondents.

Hon'ble M.M. Ghildyal, J.

Heard Sri B.D. Upadhyay, Adv. holding brief of Sri Manav Sharma, learned Counsel for the petitioner and Sri Paresh Tripathi, learned State Counsel for State of Uttarakhand/ respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 & 3 to relieve the petitioner at an early date for the State of Uttar Pradesh in view of his option, at place of posting as per final allocation order dated 15.07.2004 (annexure no. 1 to this petition),

ii. Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

iii. Award the cost of the writ petition to the petitioner throughout.

Stand of the petitioner is that, at present he is working as Constable in the Civil Police and is posted in district Udham Singh Nagar. The petitioner is permanent resident of State of Uttar Pradesh. He opted for State of Uttar Pradesh, after creation of State of Uttarakhand. The petitioner has finally been allocated for State of Uttar Pradesh by the Union of India. Grievance of the petitioner is that in spite of the aforesaid final allocation, he is not being relieved for State of U.P. by State of Uttarakhand; consequently, he constrained to file the instant writ petition.

In these circumstances, I deem it fit and proper to issue direction to the respondents to relieve the petitioner for State of Uttar Pradesh. Accordingly, the respondents' authorities are dircted to relieve the petitioner for State of Uttar Pradesh as expeditiously as possible, in case he has already been finally allotted to the State of U.P. by the Union of India.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

June 12, 2007:
NCM: